

APPROVED: Meeting No. 33-97

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 15-97

March 25, 1997

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on Tuesday, March 25, 1997, at 7:32 p.m. Mayor Krasnow stated that the March 24 General Session had to be postponed due to a bomb scare at City Hall.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Robert J. Wright

Councilmember Glennon J. Harrison

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn introduced Chris Medley, the City's new Artist-in-Residence. Ms. Medley, who holds a Masters Degree in Fine Arts and a Bachelors in Journalism, is an instructor and has displayed her work in a variety of regional galleries.

2. The City recently participated in another very successful Walking Town Meeting. Residents of the East Rockville Citizens Association joined the Mayor and Council on the March 22 walk through the neighborhood. Staff will work on addressing the variety of

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issues raised during the walk and the neighborhood association will receive a written response to their suggestions and concerns. The Mayor and Council's next Walking Town Meeting is April 19 with the Woodmont Spring and Village Green Condominium Associations.

3. Mr. Kuckkahn informed the Mayor and Council that staff was working with COUNTS (Coalition of United Neighborhoods for Trees and Streams), a group formed to protect trees and streams throughout the community. One issue focused on is the siltation in the Watts Branch Stream Valley. Inspectors went on a tour with COUNTS members and will meet with them to discuss State devices required on the site and the City's enforcement efforts to ensure that the devices were functional. The State requires one inspection per 15 day routine and the City has an inspector on-site daily. The City recognized that this is an important issue for the neighborhood and is enforcing our Codes to assure the siltation devices meet our standards. The developer indicated their willingness to fully cooperate and ensure that the project was not damaging the environment.

4. The March issue of Rockville Reports contained the Spring leaf collection schedule, which begins March 31. Residents should contact the City with any questions regarding collection dates. The water main flushing program schedule is also listed in Rockville Reports.

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5. City staff continued to work with neighbors in the Lincoln Park area on redesigning the North Rockville Pedestrian Bridge. The group is focusing on refurbishing the existing bridge and making it a more attractive entrance to the Lincoln Park community. Rockville's State District 17 Delegation, and particularly Delegate Kagan, was instrumental in obtaining \$50,000 for bridge lighting and security. At the next meeting of the core committee, participants hope to have design options narrowed so improvements can be constructed next fiscal year.

6. Mr. Kuckkahn reported that Item 8 on the Mayor and Council's agenda, acceptance of a text amendment application regarding pawnbrokering establishments, was withdrawn by the applicant. Staff was looking at the history of pawn shop uses in the City. Councilmember Harrison suggested that staff invite in neighborhood representatives located near the I-1 Zone, for discussions about the pawn shop use in the area.

Councilmember Wright said he noticed several letters received from COUNTS and there was a difference of opinion regarding the sedimentation control. He asked to see a comparison of the City's and COUNTS' position about what was being done.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Anita Summerour, Lincoln Park Civic Association spoke about a matter brought to the Mayor and Council's attention during the March 10, 1997 Citizens Forum.

Rockville Housing Authority Chairperson Regina McAndrew complained that confidential information about the not-yet completed audit was released to the public under the City Manager's signature. Ms. Summerour clarified the facts surrounding the matter. She said that on March 3, Ardell Hillard, Vice Chair of the RHA, hand delivered a copy of the RHA press release about the audit to her home, so that it could be read at the LPCA meeting on March 8. On March 6, Ms. Summerour contacted the City's Public Information Officer and asked if the City's press release was available to the public. She was informed that it was public information and she was given a copy of the release on March 7. Mrs. Summerour said that the information she received did not include any formal transmittal letter with the City Manager's signature. The two press releases were read at LPCA's March 8 meeting. Ms. Summerour said that LPCA was concerned about the management and operation of the RHA and the Lincoln Terrace Public Housing project. She said she was concerned that the Chair of RHA considered the City Manager office's response to a request for public information, inappropriate. She commended the Mayor and Council for initiating the RHA audit and said as a taxpayer, she would have been disappointed if they had done less. She said that once the audit was completed, she would encourage the Mayor and Council to take any steps necessary to correct management and broad deficiencies at the RHA.

2. Phyllis Marcuccio, President East Rockville Civic Association said the Association was very pleased and excited to have the Mayor and Council take part in the

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Walking Town Meeting. Ms. Marcuccio expressed the Association's concern about the new pawn shop which opened on Stonestreet.

3. Wilma Bell agreed with the points made by Ms. Summerour about the Rockville Housing Authority. Regarding the application to permit pawn shops in the I-1 Zone that was temporarily withdrawn, Ms. Bell asked that the Mayor and Council not allow pawn shops as a permitted use in the I-1 Zone. Ms. Bell commented that the Lincoln Park community was made up of more than 140 affordable single family houses-- many of which were built by the ancestors of the current residents. She said that the neighborhood included a diverse and stable population for many years. However, the largest single purchaser of houses and other properties in recent years was Mount Calvary Baptist Church. The Church had purchased houses and a convenience store and the residents were worried that the purchases of single family houses will be followed by their destruction as the church sought to expand its buildings and parking lots. Ms. Bell suggested that the Mayor and Council award a contract to Peerless Rockville to work with the neighborhood to create a Lincoln Park historic district. Ms. Bell said that the Mayor and Council have done a great job in Lincoln Park within the last year and one half and she said that she hoped they would continue to work closely with the community.

4. Scott Hodes expressed his concern about what he felt was the City government's lack of concern for residents. Mr. Hodes cited some examples and said that he was also displeased that a group of local citizens had to point out to the City the storm

water runoff violations from the King Farm development.

5. Virginia Onley, Resident of Americana Center expressed her concern about the pawn shop issue. She asked that the Mayor and Council instruct staff to be selective in deciding which businesses to issue permits for.

6. Bob DeGroot, President Woodley Gardens Civic Association and Member of COUNTS said that sediment continued to run off the King Farm and into the stream. He gave a report of recent COUNTS activities. The organization took a professional consultant to see the site and a number of problems with sediment control were identified. Photographs over a 14-day period were taken in order to see if any mulching was being done within 7 and 14 days as mandated by State law. Mr. DeGroot said that mulching had not taken place anywhere on the King Farm; the fields were not being seeded and that dirt was also running into the street. They also found other violations--sediment control fences which were not in place and other fences covered with dirt and mud. Mr. DeGroot said that he talked to the City Manager about the work done by City inspectors. There were serious problems on the development site and he said that he hoped they could be resolved.

7. Jim Reschovsky, Member of COUNTS adding to Mr. DeGroot's comments, said that after they visited the King Farm site, they went to the City and got the inspection records for the King Farm. The inspectors made almost daily visits to the King Farm; however, their inspection records cited no sediment control violations. Mr. Reschovsky

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said that this suggested City inspectors were ignorant of the regulations or they were not doing their job. He said that there did not seem to be any focus towards protecting the City's natural resources and he suggested that the Mayor and Council consider structural or organizational changes that might improve the situation.

Mayor Krasnow assured everyone that the City planned to ensure that the law was fully followed with respect to sedimentation on the King Farm. She said that she had heard two different sides of the issue, and the Mayor and Council and City staff were following the matter very closely.

8. Jim Vitol, West End Citizens Association (WECA) reported that the WECA executive board voted unanimously to request that the City discontinue its plans to move the Beall Dawson House parking lot onto the green park land at North Van Buren and Middle Lane. Mr. Vitol said that the proposal would put a highly visible parking lot in the middle of the neighborhood and change the residential character of the neighborhood. Mr. Vitol also said that the neighbors surrounding the Beall Dawson House had not heard of the plan until recently, and he, personally found out about the plans over a year ago. He expressed the Association's vigorous opposition to the idea. He said that he received a list of the notifications sent to the neighborhoods. The first, dated 1994, was a letter to adjoining property owners but did not address the parking lot proposal. The second notification was a personal letter that he received as president of WECA informing him that there was going to be a use permit issued for on a parking lot for the area. The final

notification, was dated March 13, 1997, notified residents about the sidewalk project at the Beall Dawson House. He said that none of the notifications addressed the idea of a parking lot on the park site.

9. Bill Meyer, 804 Leverton Road said that the concerns about site monitoring which were raised by COUNTS were similar to the problems citizens experienced when the City built Wootton Parkway. He pointed out that the Department of Natural Resources had a 24-hour response line for violations of the sediment regulations as they applied to state waters.

Mr. Meyer reported that the PEPCO wires were finally removed and placed underground. In addition, all of the poles were removed except for one cut-off pole adjacent to Wootton Parkway and another adjacent to the last pole installed on Cabin John Parkway. Mr. Meyer said that the three months time Bell Atlantic had to remove all of their wires, was almost up. He also said that the City should encourage Bell Atlantic to reseed the ground area destroyed by their trucks when installing the wire. Mr. Meyer then pointed out that there were three illegal above-ground transformers at the Tower Oaks Townhouses which were scheduled for removal by April 30. He suggested that the City withhold building permits for the Tower Oaks developers because PEPCO put the transformers in above-ground in anticipation that they were going to get a text amendment that included the relocation of the wires along Wootton Parkway. This portion of the text amendment was not approved and it seemed that the three above-ground transformers were

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forgotten. He said that City staff inspecting right-of-way violations overlooked the illegal transformers.

10. Fred Grablosky, 101 North Van Buren Street said that although he was one of the neighbors that would be affected by the Beall Dawson parking lot, he never received a notice about the proposal. He said the plans included parking for four school buses in the lot and he suggested that the City come up with alternatives to the plan presented.

11. Larry Goldstein, Principal with King Farm Associates and Resident of Rockville said that he had been involved with development in Montgomery County and the City for over 20 years. One matter that stood out was the ability to have an open dialogue with the neighbors who were affected by development. He cited the recent positive experiences related to the Chestnut Lodge development with the West End Citizens Association. He said that he was troubled because of the allegations made about violations to State and local regulations; however he renewed his offer to the residents of the College Gardens area and any other citizens affected by the King Farm development, that the developers were prepared to meet and talk about what residents perceived the problems to be. Mr. Goldstein said that he looked forward to working with the City on the upcoming Watts Branch Task Force study. Regarding citizens coming on to the King Farm property, Mr. Goldstein pointed out that persons should realize that there was a lot of ongoing activity taking place on the property and there was a liability issue if someone

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were to get hurt on the construction site.

Re: Appointments

Mayor Krasnow noted that the Watts Branch Sewer Shed Committee was being formed to provide the Mayor and Council with input on the pros and cons of the various "pump around" options for increasing the capacity of the Watts Branch Sewer Shed. The Mayor said that the City was eager to progress and have the Task Force look at the pump around alternatives. In addition, the City was planning to use the services of a facilitator in order to cover the most ground in the shortest amount of time.

Mr. Kuckkahn said the Mayor and Council could appoint additional members as the neighborhood associations submitted their recommendations for representatives on the task force. Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the following members were appointed: Carolyn Brown (Fallsmead Homes Corporation), Barbara Counihan, Charles Corroicio (Recreation and Parks Advisory Board), Bob DeGroot (Sierra Club), Larry Goldstein (The Penrose Group), Judy Koster (Rockshire Home Owners Association), Phyllis Marcuccio, Bill Meyer (Planning Commission), Sara Medearis (Science, Technology & Environment Commission), Diane Olechna (College Gardens), Phillip Perrine (Thomas Farm representative), Jim Reschovsky (Woodley Gardens West), Carol Reinsberg (Association of West Rockville Citizens), Jim Soltesz (Loiderman Associates, Inc.), Ralph Veale (Lynfield Neighborhood Association) and Martin Moon (West End Citizens Association).

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Re: Approval of Minutes

Upon motion of Councilmember Wright, duly seconded and passed by a 4 to 0 vote (Councilmember Marrinan abstained as he was absent from the meeting), the Minutes of Meeting No. 03-97 (January 13, 1997) were approved as amended.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 04-97 (January 21, 1997) were approved as amended.

Re: Consent Agenda

Councilmember Dorsey requested removal of Consent Agenda Item E.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- (A) Award of Bid #64-97
To: Runkles Construction Company
Of: Gaithersburg, MD
In the amount of: \$156,000.00

For: City Hall Renovations

- (B) Award of Bid #65-97
To: H&H Landscaping
Of: Clarkesville, MD
In the amount of: \$110,593.24

For: To provide municipal lawn maintenance services

- (C) Award of Bid #68-97
To: Utility Systems, Inc.
Of: Potomac, MD
In the amount of \$48,030

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For: Installation of a traffic signal and street lighting conduit at the intersection of E. Jefferson Street and Halpine Road.

- (D) Award of RFP #69-96
 To: Rummel, Klepper & Kahn,
 Consulting Engineers
 Of: Baltimore, MD
 In the amount of: \$100,870.00

For: Construction management services for the Water Treatment Plant Intake Rehabilitation and Miscellaneous Improvements.

- Re: Item (E) - Award of Contract Extension
 To: Wheeler Goodman Masek &
 Associates, Inc.
 Of: Annapolis, MD
 In the amount of: \$44,900

For: Improvements to the Bouic House

Councilmember Dorsey requested removal of Item E in order to comment on the \$44,900 needed to extend the contract award for improvements to the Bouic House. He noted that the estimated construction budget totaled \$481,914. He said that the amount of money involved was quite significant and the house could almost be replaced for the amount presented. Mr. Dorsey asked if there was some historic value the City was trying to preserve by renovating the property as opposed to replacing it.

Burt Hall, Director of the Recreation and Parks, explained that the renovations included putting additions onto both sides of the house totaling 1,300 square

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feet. The Bouic House is a residence being used for office use and an extensive amount of work to the building was needed. It was important that the look of the house remain residential from the South Washington Street side because the building provided a transition from the office use on the City Hall campus to the residential neighborhood adjacent to the Bouic House. Mr. Hall said that a thorough conversion of the building was needed and the work included conversion of the entrances to the building to meet the accessibility code required by the ADA. Mr. Hall said that staff was attempting to create space in order to consolidate the entire Community Services Department in one location and they felt that despite the relatively high cost, this was the most efficient way to accomplish this goal.

The Mayor and Council agreed that the improvements were quite expensive. Without objection, the Agenda Item was tabled until such time that staff can present actual plans for the improvements and additional details on what each improvement would cost. Mayor Krasnow commented that the Mayor and Council recognized that City Hall employees were working in cramped and limited spaces. She asked that staff begin long-term thinking about how to expand City Hall.

Re: Approval for participation in the off-site SWM program for 4.0 impervious acres of the existing Vitro development, which is located on Gude Drive in the Watts Branch drainage area, and

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acceptance of a \$12,000 contribution to the off-site SWM fund.

The runoff is conveyed to the Watkins Pond SWM Facility, which is currently under construction.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the participation in the off-site SWM program was approved and the \$12,000 contribution to the off-site SWM fund was accepted.

Re: Acceptance of Application - Text Amendment Application TXT97-0160, Miller, Miller and Canby for American Pawnbrokers, Applicant.

To amend the Zoning Ordinance to add the definition of pawnbrokering establishment and add a permitted use in the I-1 Zone.

Mayor Krasnow noted that the Agenda Item was pulled at the request of the Applicant who felt that the Text Amendment Application was not ready to go forward. She said that the Mayor and Council were aware of the many concerns about the pawn shop and they planned to address the issues raised.

Re: Adoption of Resolution to extend the moratorium on the filing of the special development procedure applications pursuant to Article XII, Division 6,

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Residential Townhouse
Development under the Zoning
and Planning Ordinance.

Resolution No. 4-97

Mr. Kuckkahn explained that a moratorium on acceptance of applications under the Residential Townhouse (RTH) Special Development Procedure was in place from September 9, 1996 through March 9, 1996. During this time, a citizen group examined the RTH procedure and recommended that the Planning Commission make changes to the process. Mayor Krasnow added that the Mayor and Council met in a Worksession with the Planning Commission to discuss the proposals. Additional issues were raised during the Worksession that staff needed time to address. Councilmember Marrinan noted that the original moratorium was through March 9 and he asked if the Resolution was be retroactive to that date. City Attorney Paul Glasgow confirmed that it would be retroactive and there would be no lapse in the moratorium. In response to Councilmember Wright's question, Mr. Glasgow said that no RTH applications had been filed during the period of the moratorium.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Resolution to extend the moratorium on the filing of the special development procedure applications to August 4, 1996 was approved. A copy of the full text of Resolution #4-97 can be found in Resolution Book No. 10 of the Mayor and Council.

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Re: Correspondence

Councilmember Wright noted correspondence received over the City's website. He said that the City's summer camp bulletin was now on the website and residents could down-load the summer camp application from their computers. He congratulated staff on developing the website.

Re: New Business

1. Councilmember Marrinan commended staff and the community for participating in the Walking Town Meeting in East Rockville. He said that one of the issues brought to the Mayor and Council's attention was a park adjacent to the water tower on Grandin Avenue. Mr. Marrinan said that the community members who were maintaining the park land impressed him and it was clear that the community wanted the site to become a park. He noted a letter and petition received from Phyllis Cavanaugh requesting that the City take such action, and he suggested that the Mayor and Council consider declaring the site as a park and maintain it.

2. Councilmember Marrinan said that there had been enough questions raised about the notification process related to the Beall Dawson parking lot, and he recommended that the City hold off on the project. Councilmember Harrison agreed and said it seemed as if the notification did not fully describe the project. The Mayor and Council agreed that the issue of proper notification was continually raised and that almost every situation was different. It was suggested that a task force be established to look at

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the notification process and make recommendations on how to improve it.

3. Councilmember Wright said that the presentation of the City's Bikeway Plan was canceled from the evening's agenda. He said that once a new date was rescheduled, it should be widely publicized and the City should plan to cablecast the session as well. Councilmember Harrison suggested that excerpts of the Bikeway Plan also be made available on the City's website.

4. Councilmember Dorsey noted two events significant for the Community Ministries of Rockville and Montgomery County. A ribbon cutting ceremony for the opening of Sophia House, a shelter for women, took place today, and Bishop Reginald Felton-May, from the Washington Episcopal Methodist Church, was speaking at the Rockville United Methodist Church in the evening.

5. Mayor Krasnow mentioned that the McDonald's Corporation started a community outreach effort in the City by working with City schools to raise money for the needy.

6. Mayor Krasnow reminded residents that the next Visioning Action Fair would take place on April 12-13, at City Hall. She said that this was the final organized step of the Visioning process. Search Conference participants recently developed specific action points and the community was invited to give their input on the action points and to sign up for projects in their areas of interest.

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Re: Adjournment to Executive
Session

Upon motion of Councilmember Wright, duly seconded and unanimously passed, with Mayor Krasnow, and Councilmembers Harrison, Dorsey, Marrinan and Wright voting "aye," the Mayor and Council adjourned to Executive Session at 9:05 p.m., pursuant to Section 10-508(a)(7) of the State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.